

ASSEMBLY BILL

No. 120

**Introduced by Committee on Environmental Safety and Toxic
Materials (Alejo (Chair), Bloom, Lowenthal, Stone, and Ting)
(Coauthors: Assembly Members Perea and Williams)**

January 14, 2013

An act to amend Section 25299.50.3 of the Health and Safety Code,
relating to underground storage tanks.

LEGISLATIVE COUNSEL'S DIGEST

AB 120, as introduced, Committee on Environmental Safety and Toxic Materials. Underground storage tanks: school districts.

Existing law allows a person required to perform corrective action in response to an unauthorized release of petroleum from an underground storage tank to apply to the State Water Resources Control Board for payment of specified portions of the costs of corrective action. Existing law establishes the Underground Storage Tank Cleanup Fund in the State Treasury and authorizes the money in the fund to be expended by the board, among other things, upon appropriation by the Legislature, to pay those claims, and requires, as a condition of eligibility for payment, that the claimant comply with the underground storage tank permit requirements. Existing law establishes until July 1, 2016, the School District Account in the Underground Storage Tank Cleanup Fund for the payment of claims filed by a school district that takes corrective action to clean up an unauthorized release from a petroleum underground storage tank.

This bill would require the board to waive the underground storage tank permit requirement for claims reimbursed from that account if the superintendent of the school district receiving the reimbursement

certifies to the board that petroleum was not delivered on or after January 1, 2003, to the tank that is the subject of the claim or the tank was removed before January 1, 2003.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25299.50.3 of the Health and Safety Code
2 is amended to read:

3 25299.50.3. (a) For purposes of this section, “school district”
4 means a school district as defined in Section 80 of the Education
5 Code, or a county office of education.

6 (b) The School District Account is hereby created in the
7 Underground Storage Tank Cleanup Fund, for expenditure by the
8 board to pay a claim filed by a district that is a school district and
9 has a priority based on paragraph (2), (3), or (4) of subdivision (b)
10 of Section 25299.52. Notwithstanding Section 25299.52, in the
11 2009–10, 2010–11, and 2011–12 fiscal years, the board shall pay
12 a claim filed by a district that is a school district and has a priority
13 based on paragraph (4) of subdivision (b) of Section 25299.52
14 only from funds appropriated from the School District Account.

15 (c) (1) The sum of ten million dollars (\$10,000,000) per year
16 shall be transferred, in the 2009–10, 2010–11, and 2011–12 fiscal
17 years, from the Underground Storage Tank Cleanup Fund to the
18 School District Account, for expenditure, upon appropriation by
19 the Legislature, for the payment of claims filed by a district that
20 is a school district with a priority based on paragraph (2), (3), or
21 (4) of subdivision (b) of Section 25299.52. The ten million dollars
22 (\$10,000,000) shall be transferred to the School District Account
23 prior to allocating the remaining available funds to each priority
24 ranking in paragraphs (1), (2), (3), and (4) of subdivision (b) of
25 Section 25299.52.

26 (2) The board shall consult with the Department of Toxic
27 Substances Control in allocating the funds transferred to the School
28 District Account.

29 (3) The board shall pay claims from a school district with a
30 priority based on paragraph (4) of subdivision (b) of Section
31 25299.52 from the School District Account in the order of the date
32 of the filing of the claim application to the Underground Storage

1 Tank Cleanup Fund. In each of the fiscal years identified in
2 subdivision (b), if the board estimates that money will be available
3 in the School District Account after the board has allocated funding
4 for all submitted claims from school districts with a priority based
5 on paragraph (4) of subdivision (b) of Section 25299.52, School
6 District Account funds may be used to fund school district claims
7 with a priority based on paragraph (2) or (3) of subdivision (b) of
8 Section 25299.52.

9 (d) Funds in the School District Account that are not expended
10 in a fiscal year shall remain in the School District Account. Funds
11 remaining in the School District Account on January 1, 2016, shall
12 be transferred to the Underground Storage Tank Cleanup Fund.

13 (e) The board shall include information on the expenditure of
14 the funds transferred to the School District Account, as well as the
15 amount of all claims filed by districts that are school districts and
16 the amount of reimbursements made to districts that are school
17 districts from the Underground Storage Tank Cleanup Fund, in its
18 annual report, and shall, in consultation with the Department of
19 Toxic Substances Control, estimate the amount of funds needed
20 to reimburse anticipated future claims by districts that are school
21 districts. The board shall provide a copy of this report to the State
22 Allocation Board and the State Department of Education.

23 (f) This section does not affect the priority of a district that is a
24 school district and has a priority based on paragraph (2) or (3) of
25 subdivision (b) of Section 25299.52.

26 (g) *The board shall waive the requirements of paragraph (4)*
27 *of subdivision (d) of Section 25299.57 for a claim that is*
28 *reimbursed from the School District Account pursuant to this*
29 *section, if the superintendent of the school district receiving the*
30 *reimbursement certifies to the board that petroleum was not*
31 *delivered on or after January 1, 2003, to the tank that is the subject*
32 *of the claim or that the tank was removed before January 1, 2003.*

33 ~~(g)~~

34 (h) This section shall remain in effect only until January 1, 2016,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2016, deletes or extends that date.